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Reply to Office action of November 25, 2003

REMARKS

Reconsideration is respectfully requested. Claims 18-30, are present in the application. Claims 18, 26, 27 and 29 are amended herein. Claims 1-17 have been previously cancelled. New claim 30 has been added.

The Examiner has rejected claims 18 and 19 under 35 U.S.C. §112 as being indefinite. Claim 18 has been amended. In their present form claims 18 and 19 are believed to avoid any formal rejections.

The Examiner has rejected claim 29 under 35 U.S.C. §112 as being indefinite. Claim 29 has been amended to depend from claim 20 instead of claim 23. Applicants believe there is proper antecedent basis for all elements of the claim.

The Examiner has rejected claims 18 and 22 under 35 U.S.C. §102(a) as being allegedly anticipated by Takashi et al (JP 2000-262751). Applicants respectfully traverse.

Takashi discloses a photographing game having an input device 104 being movable in the lateral direction by being slideably attached to the device body 103, and being movable the vertical direction by being pivotally attached to a vertical member. As stated by the Examiner in section 8 & 9 of the Office Action "Takashi...appears to teach a mechanical means for detecting the photo shooting position". Claim 18 includes at least the feature unanticipated by Takashi which enables applicants'

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simulated camera input device to move freely in all direction allowing a subject included in a photo shooting range to be seen through a window, said window being part of said input device. In addition applicants' claimed window 18 through which a player can see the photo shooting range, as claimed is different, and functions differently than Takashi's display unit 105C. Takashi's display unit 105C is a small liquid crystal display which displays a portion of the game screen. The player does not need to hold the camera up to the player's eye to look through the window. The result is very different on the handling of the camera and the atmosphere of the game.

In addition, Claim 18 also claims a photographing judgment unit which is very different than Takashi's. Takashi uses a complicated method for comparing selected image data received from data generation section 209A with image data read from valuation data storing section 209. The process uses a pixel value of the pixel composing an image data. It's extremely complex, and very different from applicants' claimed judgment unit.

Claim 18 includes:

- (1) Using a simulated camera input device,
- (2) being provided a photo shooting position detection mechanism detecting a photo shooting position at which the input device is painted,
- (3) Being provided a display device, and

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(4) Being provide a game operation section including an image generating unit and a photographed image extraction unit and a photographing judgment unit.

Above-noted claim feature (3) is provided in the game device of Takashi et al, but the other features (1), (2) and (4) are not.

In the input device of the feature (1) of the claim 18, a subject is seen through a window. The specification mentions that "Also, as shown in FIG. 3, the camera type input device 10 comprises a window 18, and has a single lens reflex structure allowing a player to see a subject included in a photo shooting range through a lens system 19 by looking into this window 18." It is clear from these terms that in considering Takashi et al, the display device for displaying image data for selecting simulates a finder in Takashi et al and a window of the input device of claim 18 in the present application, are definitely different. When using real cameras, the action of photographing with seeing a subject through the window, bringing up the camera close to the user's eyes as conventional optical camera and the action of photographing with seeing images displayed on LCD or the like as with recent digital camera are very different in handling and use/feel.

In the photo shooting position detection mechanism of the feature (2) of the claim 18, the position at which the input device is positioned is directly detected. This feature can be

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applied to claims 19 and 20 also. On the contrary, Takashi et al (page 9, left column, 11. 10 19, [0026]) mentions, "the position in the right and left direction of the simulated camera 105 is detected by the right and left sensor (not shown), and the angle position in the up and down direction is detected by the up-and-down sensor (not shown.) The photographed position is obtained by the calculation based on these detection results. It is clearly different from claim 18 of the present application.

The image generating unit and a photographed image extraction unit included in the game operation section of the feature (4) of the claim 18 are almost same as a main image data generation section 204 and a selected image data generation section 209. However, in the photographing judgment unit of claim 18, whether or not a task is accomplished is judged based on the photographed position detected by the photo shooting position detection mechanism and the display position of a target portion. On the contrary, in Takashi et al, valuation section 209A (comparing Section 209D) judges in comparing a selected image data received from data generation section 209A and an image data read from valuation data storing section 209. That is, the judgment is performed by simple calculation in the present application's claim 18, but in Takashi et al, it is performed by a complicated process with comparing the image data. It is not clear what the specific method for comparing from Takashi et al is. The process using pixel value of the pixel

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composing an image data is generally complex. Therefore the amount of calculation should increase extremely. Thus, the claim 18 of the present invention and the game device in Takashi et al. are not identical, nor is claim 18 suggested.

The Examiner has rejected claims 19, 21 & 25-28 under 35 U.S.C. §103(a) as being unpatentable over Takashi as applied, in view of Igarashi et al (U.S. 5,569,085). Applicants respectfully traverse.

The Examiner alleges it would be obvious to one of ordinary skill in the art to have modified Takashi's photographing game to include the electrical position-detecting unit described in Igarashi to arrive at applicants' invention. However, Igarashi's positioning means would not be an obvious substitution of Takashi's positioning means. Takashi uses movement "in the lateral and vertical directions". This two dimensional movement is very similar to the technology used to move a curser around on a computer screen by the movement of a mouse. Analysis of a standard computer mouse by removing the ball and observing two perpendicular wheels in rotational contact makes it clear only lateral and vertical movement is involved. The photo shooting position of applicants' device is directly detected according to where the simulated camera input device is pointed. Takashi's device uses indirect detection by calculation based on the position in the right and left direction of the false camera 105. One skilled in the art looking to increase the degrees of freedom

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of movement of a simulated camera input device the way applicants have would not be motivated to look to a simulated gun game. Photography is about getting a subject artfully arranged within a field of view. It is about timing a smile and a body position for example. It is an "analog" art. Marksmanship is "digital" "binary" endeavor. Shooting is about hitting a target or not. Applicants' device uses a window as a guide to aim the simulated camera. A two dimensional plane held perpendicular to a line normal to a player's eye. Guns are aimed by aligning two points on the gun with a third point on a target. Igarashi's gun clearly shows this in Fig. 2. The first point is the raised object on the near side of the barrel, the second point is the raised object on the end of the barrel. To determine if a hit is made is a simple matter of finding the third point which is on the surface of the game screen. To determine if a good photograph has been taken is not as simple as finding a third point in space. In fact a player of applicants' inventive game does not have two points to line up on the simulated camera input device, and a designer would not seek to use a point finding methodology as taught by Igarashi et al to free up the movement of Takashi's input device. Applicants have taken the inventive step of translating the subject seen through a planar window of a camera to a planar portion of a game screen. Reconsideration is respectfully requested.

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The Examiner has rejected claims 20 & 29 under 35 U.S.C. §103(a) as being unpatentable over Takashi as applied in view of Villa (U.S. 4,257,612). Applicants respectfully traverse. Villa teaches a gun shooting game wherein a plurality of point targets 50 (Fig. 2) are shot at. Villa's arrangement would be unsuited for a photography game as it is not the objective of the photographer to hit a point. To combine Villa with Takashi would introduce the possibility that a player barely miss a perfect photograph and receive a zero score. One skilled in the art would not be motivated to look to the Villa reference as an aid in designing a photography game.

The Examiner has rejected claims 23 & 24 under 35 U.S.C. §103(a) as being unpatentable over Takashi as applied in view of Becker (U.S. 4,844,476). Applicants respectfully traverse.

Becker's teaching is very different from applicants' invention. The reference teaches using prerecorded game scenes to be played with conventional video cassette recorders on conventional televisions having embedded point source targets that pulse at frequencies recognizable to a receiver in a gun to record hits. The pulsing occurs all the while a game is played. Becker teaches inserting blank fields to reduce annoying flicker patterns. Applicants' emitted light as claimed in claim 23 is effected by the players pressing the camera shutter button. Applicants' inserting a game screen is not done to reduce flicker. Applying Becker's teaching, or the teaching of the

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other reference cited, to Takashi would not yield applicants' invention as claimed in claim 23. Claim 24 depends from and includes all the limitations of claim 23 which is believed to be in condition for allowance. Claim 24 is believed to also be allowable.

Applicants submit new claim 30, which depends from claim 18, to highlight additional inventive steps applicants have taken. It is believed to be in condition for allowance.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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